

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

MICHAEL WARSHAWSKY and MICHAEL STEINHAUSER, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

CBDMD, INC. and CBD INDUSTRIES LLC,

Defendants.

Case No. 20-cv-00562

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL
AND TO DIRECT NOTICE OF SETTLEMENT**

Plaintiffs Michael Warshawsky and Michael Steinhauser (“Plaintiffs”), by and through their undersigned counsel, respectfully submit this Unopposed Motion for Preliminary Approval of Class Action Settlement, wherein they seek entry of an order: (i) granting preliminary approval of the proposed settlement as memorialized in the Settlement Agreement that was executed on April 30, 2021; (ii) approving the form and manner of giving notice of the Settlement to the certified Class and approving the form and content of the Notice; (iii) certifying the Settlement Class pursuant to Federal Rule of Civil Procedure 23(b)(3) and (e) for settlement purposes only; (iv) approving the procedures set forth in the Settlement Agreement for Settlement Class Members to exclude themselves from the Settlement Class; (v) staying the Action pending Final Approval of the Settlement; (vi) staying and/or enjoining, pending Final Approval of the Settlement, any actions brought by Settlement Class Members concerning any Released Claims; and (vii) setting a hearing date for the final approval of the Settlement and its terms, including the proposed

distribution of funds, a motion seeking a service award to the Representative Plaintiffs, and Class Counsel's motion for attorneys' fees, costs and expenses.

Plaintiffs submit that the proposed Settlement is in the best interest of the Class and provides fair, just and substantial benefits to Settlement Class Members, which will be described to the class in a comprehensive Notice Plan, and it satisfies the requirements of Rule 23(e) of the Federal Rules of Civil Procedure. For the reasons set forth herein and in the Memorandum of Law submitted herewith and accompanying exhibits, Plaintiffs respectfully request that the Court grant preliminarily approval of the Settlement.

Plaintiffs' Motion for Preliminary Approval is unopposed by Defendants.

Dated: April 30, 2021

Respectfully submitted,

/s/ Jean S. Martin
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*Proposed Class Counsel for Plaintiffs and the
Settlement Class*

CERTIFICATE OF SERVICE

I, Jean Sutton Martin, certify that I caused the foregoing to be electronically filed in this case on April 30, 2021 using the Court's CM/ECF System, thereby serving it upon all counsel of record in this case.

/s/ Jean Sutton Martin
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